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February 4, 2020

VIA ECF and BY HAND

The Honorable Lewis J. Liman
U.S. District Court Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *In re: Elysium Health—ChromaDex Litigation*, No. 1:17-cv-07394 (CM)

Dear Judge Liman:

I represent Defendant Elysium Health, Inc. (“Elysium”) in the above-captioned matter. Pursuant to the Southern District of New York’s sealed records procedures, I write to request permission to file the Affidavits of Joseph N. Sacca, Benjamin D. Pergament, Tracy L. Cole, Esterina Giuliani, and Kristin L. Keranen (the “Affidavits”) in support of Baker & Hostetler LLP’s motion to withdraw (ECF No. 103) *ex parte* and under seal.

Local Civil Rule 1.4 provides that an order permitting attorney withdrawal “may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal,” and the accompanying Committee Note states that the Court may “permit[] the reasons for withdrawal to be stated in camera and under seal in an appropriate case” and that Rule 1.4 “is not meant to preclude” that authority.

To comply with Rule 1.4, the Affidavits include aspects of the attorney-client relationship appropriate for filing *ex parte* and under seal. *See, e.g., C.D.S. Inc. v. Zetler*, No. 16 Civ. 3199, 2017 WL 1103004, at *4 n.2 (S.D.N.Y. Mar. 23, 2017) (“As is typical in these circumstances, the Court directed NMM to submit its memorandum and any supporting materials *ex parte* given that the attorney-client relationship is implicated in the nature of its application. The Court will file these papers under seal. It is well-settled that this is the appropriate method to proceed in these circumstances.”). For this reason, I respectfully request permission to file the Affidavits *ex parte* and under seal.

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I thank the Court for its consideration of this matter.

Sincerely,

/s Joseph N. Sacca

Joseph N. Sacca
Partner

Enclosures

APPLICATION DENIED. The affidavits submitted by counsel do not contain any particulars of the reason for the withdrawal such that their disclosure would fail to preserve the confidentiality of the attorney-client relationship.

SO ORDERED. 2/14/2020.



LEWIS J. LIMAN
United States District Judge